

1 presented to me today. There was good reason to give to me
2 this way. Mr. Leader, your idea may be a better idea but I
3 think we're at a point now where we just have to use what we
4 have and I don't think that anything is going to be -- nobody
5 is going to be put out that much by it. I'm more concerned
6 about getting Mr. Smith back on the stand so that he can leave
7 this afternoon.

8 MR. LEADER: Want me to go get him?

9 JUDGE SIPPEL: Yes. We'll go off the record.

10 (Off the record. On the record.)

11 JUDGE SIPPEL: Okay. We're back on the record. Mr.
12 Smith, you're back on the stand. To the extent that there's
13 been some delay between when you left the stand and you're
14 returning, accept much of that responsibility, probably most
15 of it, because I was trying to work with counsel in an effort
16 to design a system that would shortcut some of this testimony.
17 Not because I don't want to hear from you but because I
18 thought there might be an alternate way of accomplishing what
19 we're set out to do here today. There's been a mutual
20 agreement I think it's fair to say that it's impractical to
21 do. So we're going to continue along and Mr. Greenebaum is
22 going to ask you the questions. I caution you again on what I
23 said this morning. Just be -- I would suggest that you not
24 volunteer an answer that might open up additional questioning
25 but other than that we're prepared to proceed. Mr.

1 | Greenebaum?

2 | BY MR. GREENEBAUM:

3 | Q Mr. Smith, would you look at Tab 30, please?

4 | A Okay.

5 | Q It's been stipulated by counsel and this is
6 | reflected, Your Honor, in Exhibit 40-A on page 3 that for 1991
7 | through 1993 the Four Jacks principals participated --
8 | Sinclair Broadcast Group, Inc. benefit plans identified in
9 | documents -- now, my question is what is your understanding of
10 | who was eligible to participate in the health-care benefit
11 | plan identified in Exhibit 30?

12 | A Anybody who receives compensation from the company.

13 | Q Well, wasn't it limited to regular full-time
14 | employees?

15 | A No, I think it was limited to people who received
16 | compensation from the company.

17 | Q Okay. Would you refer then to FJS0095 which is the
18 | first subject -- plan on eligibility and participation?

19 | A Right.

20 | Q Do you see where it says who is eligible?

21 | A Um-hum. Yes.

22 | Q Would you read that to yourself, please? You've
23 | done that?

24 | A Yes.

25 | Q Does that refresh your recollection that it refers

1 to regular full-time employees rather than anybody who
2 receives compensation?

3 A I view them as one and the same.

4 Q I'm not asking you what you view. I'm asking what
5 this plan provides.

6 A Says full-time employees. I'm not going to argue
7 with it unless you want to.

8 Q You've seen this plan before today haven't you?

9 A The first time I saw this plan I think I indicated
10 in a previous deposition was when it was presented as a
11 function of this process.

12 Q Did you know that Sinclair had a plan?

13 A Yes.

14 Q Now sir, if you'll look at Exhibit 31. Before you
15 leave 30 I would ask you -- you understood Sinclair Broadcast
16 Group, Inc. to be the employer under this plan did you not?

17 JUDGE SIPPEL: Excuse me, this is Tab 31.

18 BY MR. GREENEBAUM:

19 Q Tab 30, yes. Did you understand Sinclair Broadcast
20 Group, Inc. to be the employer for the purposes of this plan?

21 A I never distinguished as a, as a practical matter
22 between Sinclair Broadcast Group as a holding company and it's
23 respective subsidiaries in terms of who the employer is.

24 Q Would you look at page JFS0153?

25 A 0153? Okay.

1 Q See in the middle of the page where it says
2 "Employer"?

3 A Yes.

4 Q Does that refresh your recollection?

5 A As I said, I had not seen this document previously
6 and, and as a practical matter did not read this document.
7 So, if it says Sinclair Broadcast -- employer, then it's the
8 employer.

9 Q This has been stipulated to as a document kept in
10 the regular course of business by Sinclair. Do you accept it
11 as same?

12 A Yes.

13 Q Look at Tab 31, if you would, please. Who did you
14 understand to be eligible to participate in the group
15 insurance benefits -- Sinclair Broadcast Group, Inc. plan?

16 A Anybody affiliated with Sinclair Broadcast Group.

17 Q Okay. Would you look at page FJS0171?

18 A 0171? Okay.

19 Q See where it says "Description of eligible classes"?

20 A Yes.

21 Q And does that refresh your recollection it was only
22 employees who were eligible?

23 A As I said, it doesn't refresh my recollection. It
24 says what it says. I mean, you, you could argue that Sinclair
25 Broadcast that has 11 employees and that's all we're dealing

1 with her as opposed to all of its wholly-owned subsidiaries,
2 but it deals with all the subsidiaries I presume.

3 Q Did you understand Sinclair Broadcast Group, Inc.
4 had insurance benefits?

5 A Yes.

6 Q And had you ever seen this document before?

7 A No, not, not -- well, in the context of this
8 process, yes. It's the first time I've seen it.

9 Q And even though you haven't seen the document you
10 weren't aware of who was eligible to participate?

11 A I presume that all people that are affiliated with
12 the respective holding company and subsidiaries are eligible.

13 Q And look at page FJS0176.

14 A 0176? Okay.

15 Q Do you see at the top of the page where it says "Who
16 can enroll"?

17 A Yes.

18 Q "When can you enroll? You can enroll if you," do
19 you see that?

20 A Yes.

21 Q Does that refresh your recollection you have to be
22 in active employment with the company -- with the employer?

23 A Well, I think I've already indicated that my
24 understanding was -- impression is that you have to be
25 affiliated with either the holding company or the wholly-owned

1 subsidiaries in some form to get the benefit of the plan.

2 Q Referring back to the example that the judge used
3 with you earlier, you didn't believe Arthur Anderson employees
4 were -- involved in this plan --

5 A Pardon me, can you repeat it?

6 Q You didn't believe Arthur Anderson people were
7 eligible under --

8 A No. Certainly not.

9 Q Now, look at Exhibit 29 if you would, please --
10 Tab 29, I apologize.

11 A Tab 29? Okay.

12 Q And did you understand this to be for officers only?

13 A First time I saw this was in the context of this
14 process.

15 Q So, you didn't know until I took your deposition
16 that the long-term disability income plan was -- officers of
17 Sinclair Broadcast Group, Inc. --

18 A That's correct. I never read it.

19 Q You never saw it either?

20 A I have no recollection of seeing it, no.

21 Q And look at page FJS0063, top of the page, describes
22 the -- vice president, treasurer and secretary -- description
23 of eligible -- do you see that?

24 A Yes.

25 Q That's you and your brothers. Is that right?

1 A Yes.

2 Q Does that include Mr. Amie (phonetic)?

3 A No, he's not an officer of the company.

4 Q And if you look at page FJS0066.

5 A Okay.

6 Q You see where it says "Active employment means you

7 must be working -- employed on a permanent full-time basis and

8 paid regular earnings"?

9 A I see it.

10 Q Is that the first time you understood that the

11 officers in order to be eligible for the long-term disability

12 income plan had to be in active employment with the company as

13 the employer and paid regular earnings --

14 A Yes. This is the first instance I've read this.

15 Q And do you see page FJS0070?

16 A Yes.

17 Q Where it says "When can you enroll"? See at the top

18 of the page --

19 A Yes. Yeah.

20 Q This is the first time you're aware of that?

21 A Yes.

22 Q Now, would you look at Tab 32?

23 A Okay.

24 Q And this is a document furnished to us by your

25 counsel in discovery and it's marked FJC0062. Do you see that

1 on the right-hand side?

2 A Yes.

3 Q It's been stipulated as part of the -- this is part
4 of the stipulation C on page 3, Your Honor. During 1991
5 through 1993 the principals participated in the Sinclair
6 Broadcast Group, Inc. benefit plans -- plan or plans
7 administered by -- referred to in document 32 above. Now,
8 this appears to be a bill dated May 7, 1994, from -- to
9 Sinclair Broadcast Group, Inc. Is that the way you read it,
10 sir?

11 A Yeah, it says date of bill so I think that's
12 probably accurate.

13 Q And that -- you and your brothers and gives your
14 Social Security number under the column "Employee," is that
15 correct?

16 A Yes.

17 Q And at the bottom there's a certification that says,
18 "I certify each employee listed on -- is an eligible employee
19 in accordance with the terms -- " and then I can't read that
20 word, and then it says "policy." And then it says "I further
21 certify that 100 percent of the other employees are enrolled
22 for the program." Do you see that?

23 A Yes.

24 Q Are you familiar with this requirement?

25 A No. I've never seen this document until this

1 proceeding.

2 Q And do you know across the top after the word
3 "employee" where it gives some definitions and then the word
4 "premium" under it? Do you know what those difference
5 coverages stand for?

6 A I have no clue.

7 Q Would you look at Tab 26, please?

8 A Okay.

9 Q Do you recognize that as Sinclair Broadcast Group,
10 Inc. board of directors' meeting minutes -- on September 17th,
11 1992 signed by your brother -- Smith?

12 A Yes.

13 Q And do you see where it refers to paragraph number
14 one?

15 A Um-hum.

16 Q "Every full-time employee of Sinclair Broadcast
17 Group, Inc. as a condition of their employment will be
18 required to either (1) be covered by one of the health
19 insurance plans offered; or (2) provide proof annually that
20 health insurance -- ." Do you see that?

21 A Yes.

22 Q Did you participate in this passing of this
23 resolution?

24 A I believe I --

25 JUDGE SIPPEL: Mr. Leader, have an objection?

1 MR. LEADER: Yes, because the document is the best
2 evidence. It says the board unanimously agreed and since
3 Mr. Greenebaum has cross-examined him on the fact that he and
4 his brothers -- officers and directors, seems to me that the
5 document speaks for itself and that's the best evidence of
6 what it says, not --

7 MS. SCHMELTZER: Not what he remembers.

8 MR. LEADER: Not what he remembers.

9 JUDGE SIPPEL: I'm going to permit Mr. Greenebaum
10 some leeway in cross-examination as long as doesn't get too
11 delayed. We're moving along fairly well now so for those
12 limited purposes I'm going to overrule the objection. Go
13 ahead, Mr. Greenebaum.

14 BY MR. GREENEBAUM:

15 Q Did you participate in passing this resolution?

16 A I don't recall specifically the resolution.

17 Q Did you participate in this resolution?

18 A I don't recollect, Mr. Greenebaum. It's been over
19 two years.

20 Q Are you suggesting that the minutes might be
21 inaccurate?

22 A No, not at all.

23 Q Now sir, look at Tab 28, please.

24 A Okay.

25 MR. GREENEBAUM: Your Honor, in Exhibit 40 the

1 stipulation -- page 3 says 1991 through 1993 the principals
2 participated in Sinclair Broadcast Group, Inc. 401K plan
3 identified by documents --

4 JUDGE SIPPEL: I see it.

5 BY MR. GREENEBAUM:

6 Q Do you have Tab 28?

7 A Yes, I do.

8 Q And who did you understand was eligible to
9 participate in Sinclair Broadcast Group, Inc. 401K --

10 A Anybody who receives compensation from the holding
11 company or its subsidiaries.

12 Q Didn't you understand it to be limited to its
13 employees and their beneficiaries?

14 A I think that's what it says.

15 Q Well, it doesn't say anything about anybody who
16 received compensation.

17 A I said, I said --

18 MR. LEADER: Objection.

19 JUDGE SIPPEL: No, but that was his answer. I heard
20 the answer, Mr. Leader. That's how he answered.

21 MR. LEADER: His follow-up question was not the
22 question. The first question was who do you understand, then
23 he asked him what does the plan say. Those -- with all due
24 respect, they're two different -- the answer to the first
25 question was I understand anyone receives compensation could

1 pay, then Mr. Greenebaum tried to shift it and said doesn't it
2 apply to employees when that wasn't the question he asked him.
3 That's all I'm pointing out.

4 JUDGE SIPPEL: Well, it was legitimate cross-
5 examination. Go ahead.

6 BY MR. GREENEBAUM:

7 Q Would you look at page FJS0034?

8 A Yes. Okay.

9 Q Would you look at the very top, the first paragraph
10 on "Introduction to your plan"? See where it says, "Sinclair
11 Broadcast Group, Inc. wishes -- to recognize the efforts of
12 its employees that made to its success and award them by
13 adopting a 401K profit-sharing plan and trust. This 401K
14 profit-sharing plan will be for the exclusive benefit of
15 eligible employees and their beneficiaries." Do you see that?

16 A Yes.

17 Q And doesn't that refresh your recollection as to
18 what this plan -- who this plan was intended -- be available
19 for?

20 A I, I frankly have not read the plan.

21 Q Aren't you a trustee of this plan?

22 A Yes.

23 Q And your testimony is you've never read it?

24 A I make reliance on people that manage the day-to-day
25 functions of these types of things to --

1 Q And you don't have any understanding of what it
2 involves?

3 A My, my understanding extends to what I believe to be
4 the fact that anybody who is associated with my company and
5 receives compensation from my company is entitled to the
6 benefit of it.

7 Q Well, you don't believe Arthur Anderson is entitled
8 -- do you?

9 A No, they don't receive compensation. They get paid
10 a lot of money but they don't receive compensation.

11 Q You take compensation to be other than wages?

12 A No.

13 Q So, you equate compensation with wages?

14 A Yes.

15 Q And you equate wages with salary?

16 A Not necessarily, no.

17 Q What is the differences in wages and salary?

18 A Well, I take that back. I think they're essentially
19 one and the same. I agree with you.

20 Q And do you know how much of your compensation you
21 can put away for purposes of the 401K plan?

22 A Not specifically, no.

23 Q Are you aware of any employer contributions made to
24 the plan on behalf of employees who are eligible?

25 A I'm aware that we have the option and that it's

1 something we discuss on some basis periodically as a function
2 of board meetings.

3 Q Do you know how much can be made in the form of a
4 matching contribution?

5 A Not specifically, no.

6 Q Do you know when the benefits of the plan are
7 available for distribution?

8 A No.

9 Q Look at page FJS0045, page 12 of the plan.

10 A I have it.

11 Q See the paragraph that says 6, "Distribution of
12 benefits upon termination of employment"?

13 A Yes.

14 Q Look at that and tell me if that refreshes your
15 recollection.

16 A As I said, I don't have any recollection because
17 I've never read the plan.

18 Q This is the first time literally you've ever seen
19 it?

20 A Yes. In the context of this process, that's
21 correct, and I have not read this document.

22 Q Are you familiar with the plan's top-heavy rules?

23 A I'm not familiar with that term.

24 MR. GREENEBAUM: Would you look at Tab 12, please?
25 I believe we can move this along, Your Honor, if Mr. Leader

1 will agree with me -- trust fund reflecting the participating
2 employees -- is that agreeable, Mr. Leader --

3 MR. LEADER: Well, it's agreeable so long as we
4 understand what it is and are you going to tell what it is?

5 MR. GREENEBAUM: Why don't you tell me so we won't
6 have any misunderstanding?

7 MR. LEADER: Well, if you noticed in the plan, the
8 plan covers not only SBG but all of its subsidiaries so these
9 pages are pages that would have all employees whose letters --
10 whose names begin -- last name begins with an S, that's how we
11 were able to get -- turn the information over with respect to
12 the four brothers. So, I don't Mr. Greenberg coming back
13 saying how did SBG now get 40 employees -- more employees on
14 here than there are on the Maryland -- on some of the other
15 documents --

16 MR. GREENEBAUM: Stipulation at Tab 12, Your Honor,
17 is that the Sinclair Broadcast Group, Inc. -- trust fund for
18 years '91, '92 and '93 selected excerpted pages -- that's all
19 we're offering it for.

20 JUDGE SIPPEL: All right. I think the record is
21 going to be quite clear in terms of what is at Tab 12. Do we
22 have any questions of the witness on it?

23 MR. GREENEBAUM: No, I'm trying to avoid that, Your
24 Honor.

25 JUDGE SIPPEL: I think it's been accomplished.

1 MR. GREENEBAUM: Would you look at Tab 18? Your
2 Honor, this is the Form 10K -- Securities and Exchange
3 Commission filing dated March 30, 1994 -- referring to, never
4 quite gotten into the record and for purposes of getting that
5 loose end out of the way I'd move that in at this time.

6 JUDGE SIPPEL: Any objection?

7 MR. LEADER: Other than, you know, with the caveat
8 you've accepted the others.

9 JUDGE SIPPEL: I will give -- yeah, I mean I've
10 given the instruction -- that I will give very careful
11 instruction again in terms of how these can be used in
12 findings. No objection, Mr. Zauner? Very well, then Tab 18
13 of Exhibit 40 is received in evidence at this time.

14 (Whereupon, the document referred to
15 as Exhibit 40, Tab 18 was received
16 into evidence.)

17 BY MR. GREENEBAUM:

18 Q Mr. Smith, I'd ask you to turn to a page that's
19 marked at the bottom F-19, paragraph 9, "Employee benefit
20 plan."

21 A Excuse me. Where are we now?

22 MR. LEADER: Can we go back, Your Honor? I think we
23 have -- is this correct? This should be 41 because 40
24 is --

25 MS. SCHMELTZER: We've got a 40.

1 MR. LEADER: We have 40.

2 MR. GREENEBAUM: This is Tab 18. Tab 18 of 40.

3 Okay. I'm sorry.

4 JUDGE SIPPEL: Tab 18 of 40.

5 BY MR. GREENEBAUM:

6 Q Do you find that, sir?

7 A What page are we on here, Mr. Greenebaum? I don't
8 have any --

9 Q The front page -- 19.

10 MR. LEADER: What are we talking about?

11 MR. GREENEBAUM: Paragraph 9, employee benefit plan.

12 MR. LEADER: It's one of your tab things --

13 MR. GREENEBAUM: Yes, Tab 18.

14 MR. LEADER: I'm sorry. I'm sorry. Tab 18? What
15 page?

16 MR. GREENEBAUM: Page F-19, paragraph 9 -- employee
17 benefit plan.

18 MR. LEADER: I don't seem to have --

19 JUDGE SIPPEL: Wait a minute. Let's go off the
20 record. This transcript is not --

21 (Off the record. On the record.)

22 JUDGE SIPPEL: All right. Mr. Greenebaum had
23 directed us to Tab 18 of Exhibit 40 at page F-19 which is at
24 the end of the -- towards the back end of the Form 10K of
25 Sinclair. Mr. Greenebaum?

1 BY MR. GREENEBAUM:

2 Q Mr. Smith, this is a document that's filed with the
3 -- on March 30, 1994. Is that correct?

4 A Yes.

5 Q And if you look at paragraph 9 it says, "Employee
6 benefit plan." Sinclair Broadcast Group, Inc. 401K profit-
7 sharing plan -- covers eligible employees of each of the
8 companies. Contributions made to the -- elected salary
9 reduction amount, company matching contribution and -- amount
10 determined each year by the board of directors. The company's
11 401K expense for the year ended December 31, 1991, 1992 and
12 1993 was 79,000, 109,000 and 148,000 respectively. There were
13 no discretionary contributions during these periods." Do you
14 see that?

15 A Yes.

16 Q And so you had been participating in these decisions
17 about this plan on a year-to-year basis have you not, sir?

18 A I participate to the extent that I'm on the board of
19 directors of the company, that's right. As I said earlier, we
20 vote on some of these issues periodically as to whether or not
21 there -- excess -- or excess distributions made or whatever.

22 Q And does this refresh your recollection that it was
23 intended to cover eligible employees of each of the companies?

24 A It says what it says, Mr. Greenebaum.

25 Q You don't dispute that do you?

1 A No.

2 Q Look at page 29 in that document, on the bottom of
3 the page, the signature page.

4 A Okay.

5 Q You signed this document on behalf of the company
6 did you not?

7 A I presume I must have but I don't see a signature
8 but I presume I did.

9 Q Well, do you want me to show it to you?

10 JUDGE SIPPEL: It has an S next to his name typed in
11 -- I'll accept it as a finding that he did sign it.

12 WITNESS: I won't argue with that.

13 MR. LEADER: Since you're going to accept that as a
14 finding, I would like to make the record clear that the pages
15 F-2 through F-22 from which Mr. Greenebaum just quoted were
16 prepared by Arthur Anderson -- independent public accountants
17 and not Mr. Smith, and signed by Arthur Anderson since we're
18 going to go through this page by page.

19 MR. GREENEBAUM: Look at page 28, Your Honor. I
20 think -- before the signature page.

21 JUDGE SIPPEL: I think I can recognize that an
22 executive of a company is going to rely on his accountant in
23 some very important matters in a disclosure document. I
24 understand also that the accountant does -- when it says
25 report of independent public accountants it's Arthur Anderson

1 that's doing that report. However, the signature is a very
2 significant act in terms of signing off on one of these
3 documents as well. But I don't see any reason why we have to
4 confront him with the signature. He signed it, there's no
5 question about it or it wouldn't be with the --

6 MR. LEADER: I agree, and I don't see any reason we
7 -- that in the interests of time Mr. Greenebaum has to read
8 pages into the record what's already -- what he wants to put
9 into the record.

10 JUDGE SIPPEL: Well, Mr. Leader, this is cross-
11 examination, he has to focus the witness and the record on
12 where he's going with his cross-examination. So far so good I
13 mean in terms of the time. Go ahead.

14 BY MR. GREENEBAUM:

15 Q If I may refer you to Tab 14 if you would, please,
16 Exhibit 40.

17 A All right.

18 Q Look at page 55 at the bottom of the page --

19 JUDGE SIPPEL: Says 58 in the large number?

20 BY MR. GREENEBAUM:

21 Q Yes. Do you have that page?

22 A Yes, I do.

23 Q Do you see at the bottom of the page where it has
24 the executive compensation?

25 A Yes.

1 Q And the first column, the salaries, second column is
2 other -- some kind of bonuses --

3 A Says "Other annual -- " --

4 Q Bonus?

5 A Doesn't look like there's enough letters here to be
6 bonuses. I only see five letters there, judge, how about you?

7 JUDGE SIPPEL: Can you help us on that, Mr. Leader.

8 MR. LEADER: -- because there's a Footnote 1 there
9 that says -- on the bottom of the page

10 BY MR. GREENEBAUM:

11 Q I think that's right. Other annual bonuses. And
12 then the next column says "All other compensation," there's a
13 Footnote 2 and that has to do with income for personal use of
14 company leased automobiles. Is that right? Footnote 2 is on
15 the next page at the top. See that?

16 A Yes.

17 Q And then there's the next column and I want to make
18 sure we all read this the same way. Does that say
19 "compensation" or how do you read that?

20 A Looks like compensation, yes.

21 Q Footnote 3, do you see that?

22 A Yes. Yeah.

23 Q Okay. Footnote 3 which is also the next page refers
24 to all other compensation -- consists of the company's 401K
25 contribution, life insurance and long-term disability

1 coverage. The company's 401K contribution -- David D. Smith,
2 Frederick G. Smith, J. Duncan Smith and Robert E. Smith were
3 2,290, 4,364, 1,927 and 1,896 respectively, additional life
4 insurance was 540, 540, 540 and 540, respectively and long-
5 term disability coverage was \$475, \$475, \$475 and \$475
6 respectively. Do you see that, sir?

7 A Yes, I do.

8 Q Does that refresh your recollection that you
9 received the benefit of all of these programs and plans as set
10 forth on Footnote 3?

11 A I've never disputed that I received a benefit of the
12 plan that I can recollect.

13 MR. GREENEBAUM: Okay, and if you'll look at Tab 18,
14 page 21. And Your Honor, I'm just referring to this for
15 another period so there will be no gap in the record for
16 purposes of what we want to argue to you later. I don't think
17 it's necessary to ask the witness the same questions as to
18 this schedule because it's just for a different period.

19 JUDGE SIPPEL: So, what are we going to do with this
20 information on page 21 as far as this witness is concerned?

21 MR. GREENEBAUM: I really just want to ask him if he
22 looked at that and ask him the same questions I just asked
23 him, get the same answers.

24 JUDGE SIPPEL: Well, I don't think that --

25 BY MR. GREENEBAUM:

1 Q You see page 21, "Summary compensation table"?

2 A Yes.

3 Q That reflects -- does that accurately reflect your
4 income for 1993?

5 A I presume that it does, yes.

6 Q And we're talking about Item 11 executive
7 compensation with the summary compensation table -- page 21
8 and top portion of page 22?

9 A That is correct. We're on the same page here.

10 Q Are we in agreement there?

11 A Yes.

12 Q And while we're on page 22, reflects what I think
13 you've told us that no officer has a written employment
14 agreement with the company. Is that correct?

15 A That's correct.

16 Q Would you look at Tab 11, please, sir?

17 A Okay.

18 Q And do you recognize these as the annual return of
19 reported employees' benefit plan for the years 1991, 1992 and
20 1993 pertaining to the 401K plan -- Department of Treasury,
21 Internal Revenue Service Form 5500? It should be 3 under Tab
22 11 --

23 MR. LEADER: Stipulated already to all this. Right
24 here it says that the following are authentic business
25 attached records of the entity -- and that the documents are

1 what they purport to be and then it says -- 11, annual return
2 of employee benefits.

3 BY MR. GREENEBAUM:

4 Q Look at the last page of each of those. Look at
5 FJC0031.

6 A Okay.

7 Q Are you there?

8 A Yes.

9 Q See yourself identified as a trustee?

10 A Yes.

11 Q And that's for 1991?

12 A Right.

13 MR. LEADER: Well, we've said the signatures are
14 genuine in the stipulation.

15 MR. ZAUNER: And it's in the document.

16 BY MR. GREENEBAUM:

17 Q Have you ever seen these documents before?

18 A Not that I can recollect, no. Let me see who signed
19 it. David Amie, chief financial -- or controller of the
20 company signed it.

21 Q And you never saw them until here today?

22 A I've seen them in the context of this process.

23 Q And your deposition?

24 A Possibly, yeah. I don't remember exactly when I saw
25 them.

1 Q Any recollection of seeing them before your
2 deposition?

3 A Which deposition?

4 Q Taken in July 1994 in this proceeding.

5 A I can't remember, Mr. Greenebaum.

6 Q And you're aware that Sinclair executive bonus plan
7 for key management employees are you not?

8 A Can you read it -- say that again, please? Am I
9 aware of --

10 Q Are you aware of Sinclair's executive bonus plan for
11 key management employees?

12 JUDGE SIPPEL: Which exhibit are you referring to?

13 BY MR. GREENEBAUM:

14 Q I'm just asking if you're aware of the plan first.

15 JUDGE SIPPEL: Just a general question of your
16 awareness.

17 WITNESS: General question? I'm aware that from
18 time to time the board of directors of the company compensates
19 its officers above and beyond what it receives on the, you
20 know, the typical two-week payment. I mean, I think that
21 answers your question doesn't it?

22 BY MR. GREENEBAUM:

23 Q Would you take a look at Tab 14?

24 A Okay.

25 Q Which is the -- filing of September 28 --